

SUPREME COURT OF THE STATE OF NEW YORK - NEW YORK COUNTY

PRESENT: Hon. Peter H. Moulton
Administrative Order

DEMATTEIS/DARCON, JOINT VENTURE,

Plaintiff,

vs.

INDEX NO. 652893/2016

THE CITY OF NEW YORK,

Defendant.

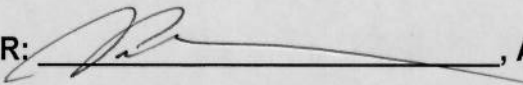
Administrative Order:

By letters dated January 6 and 18, 2016, plaintiff's counsel requests that this action be transferred into the Commercial Division pursuant to the Rules of the Commercial Division, Uniform Rule 202.70 (e). The City of New York consents to the request and good cause to excuse the delay in filing the RJI and Commercial Division Addendum has been demonstrated.

Actions in which the principal claims are for breach of contract or business torts, where the breach or violation is alleged to arise out of business dealings, may be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought (Uniform Rule 202.70 [a], [b] [1]). The complaint in this action seeks breach of contract damages in the amount of \$57,331,521.80 against The City of New York in connection with a 2010 public improvement contract to construct the new Manhattan Community District 1/2/5 Garage for the Department of Sanitation.

Accordingly, the request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to randomly reassign this case from I.A.S. Part 42 (Bannon, J.) to a Justice of the Commercial Division and to reschedule the preliminary conference, currently scheduled on Thursday, February 23, 2017 at 2:30 P.M., to a new date that is consistent with the Commercial Division Justice's conference calendar.

Dated: January 20, 2017

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION